

FILED  
JAMES BONINI  
CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

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STANSON R. HEMPHILL,  
Petitioner,

CASE NO. 1:01-CR-39(2)

1:04-CV-351

vs.

UNITED STATES OF AMERICA,  
Respondent.

MOTION FOR A WRIT OF TRANSFER

COMES NOW, Stanson R. Himphill, Petitioner pro se, respectfully files the instant "motion for a writ of transfer" requesting this Honorable Court to issue a writ for the Petitioner to be transferred to the nearest county detention center to await his scheduled evidentiary hearing ordered by this Hon. Court on July 20, 2005. As grounds for this motion, Petitioner states:

BACKGROUND

This matter is before the court upon Petitioner's motion, pursuant to 28 U.S.C. § 2255, to vacate, set aside, or correct his sentence on the ground that his defense counsel was ineffective at trial in violation of Petitioner's Sixth Amendment Right to a fair trial. On July 20, 2005, by an Memorandum and Order, the Honorable Sandra S. Beckwith, Chief Judge, United States District Court, directed July

Duty Magistrate Judge Timothy S. Hogan to appoint counsel to represent Petitioner at an evidentiary hearing schedule approx. 90 days after the Magistrate Judge has appointed counsel in this case.

#### REASON FOR REQUEST

Petitioner asserts that it would be in his best interest, interest of justice, and the need to meet the case of the government, if he transferred to the nearest detention center from the United States District Court For the Southern District of Ohio so that he can have a fair and full opportunity to consult with his appointed counsel fully as to the issues of this case.

Petitioner believes that time is needed with counsel to discuss the relevant of the factual basis of his witness Robin Hicks's testimony, and the prejudicial impact it had on Petitioner's trial because trial counsel failed to present her testimony.


Petitioner believes that he would be fully prepared to meet the case of the government if he's able to consult with his counsel face to face, and on a day to day basis, however, because the Petitioner is presently incarcerated in Kentucky, Inez., it will be impossible for Petitioner's counsel to travel back and forth from Ohio to Kentucky to visit with Petitioner concerning relevant issues of the case, which could have a great prejudicial affect on the evidentiary hearing.

CONCLUSSION

Petitioner asserts that he would be in the best position to fair and full opportunity to present his case fully at the evidentiary hearing if some time is allowed by this Honorable Court to consult with his counsel at least for 30 days up until the evidentiary hearing, thus, in the interest of justice, Petitioner request this court to issue a writ to have Petitioner transferred to the nearest county detention center on or about October 1, 2005, to permit time to fully consult with and perpare his case with counsel.

WHEREFORE, Petitioner prays that this Honorable court Grant this motion and issue a writ of transfer to have Petitioner bought to the county detention center on October 1, 2005.

RESPECTFULLY SUBMITTED

/s/   
Stanson R. Hemphill, Pro se  
#03429-061  
U.S.P. Big Sandy  
Inez, Ky 41224

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that I have mailed via institutional legal mail a copy of the foregoing motion to the United States Attorney Office for the Southern District of Ohio, 221 East Fourth Street, Suite 400. Cincinnati, Ohio, 45202, on this 27 day of July, 2005.

DECLARATION

I, Stanson R. Himphill, do state under the penalty of perjury that the above stated is true and correct to the best of my ability.

DATE: 7.27.05

/s/ Stanson R. Himphill  
#03429-061